

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE NO. 02-466
RE: JUDGE JOHN RENKE III

**THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S
OBJECTIONS TO JUDGE JOHN RENKE, III'S EXHIBITS**

Pursuant to and in accordance with the order of the Hearing Panel, for its objections to Judge John K. Renke, III's ("Judge Renke") exhibits, the Judicial Qualifications Commission (the "JQC") states.

1. Exhibit 9 (Affidavit of William S. Belenky):
 - a. Inadmissible if available for trial;
 - b. Hearsay; and
 - c. Hearsay within hearsay.
2. Exhibit 10 (Affidavit of Louise Kavouras):
 - a. Inadmissible if available for trial;
 - b. Hearsay; and
 - c. Hearsay within hearsay.
3. Exhibit 11 (Affidavit of Senior Renke): Judge Renke has agreed to withdraw.
4. Exhibit 14: (Auer settlement check from Allstate Insurance):

Pursuant to the JQC's Motion in Limine and the Hearing Panel's rulings Exhibit 14 must be excluded because it was not produced in discovery by the senior Renke who expressly represented at the hearing on June 9, 2005 (on the JQC's Motion to Enforce Subpoena Duces Tecum) that he did not have any of

the insurance company checks, which now appear on Judge Renke's Exhibit List (Exhibits 14, 15, 16, 17, 18, 19, 21, 22, 23 and 33). See Transcript of June 9, 2005 Hearing, pp. 28; 29-30; 32;35-36.

The Hearing Panel held at the hearing on June 9, 2005 that any such financial records not produced during discovery by the senior Renke could not be used at the final hearing. Id. Thus, evidence of cases not previously identified or for which the documents were not produced cannot be used now to attempt to justify Judge Renke's compensation in 2002, and all such evidence should be excluded under controlling law and the Hearing Panel's prior rulings. The Hearing Panel also required the Senior Renke to "file something" in the records stating there were no other responsive documents. Id., p. 36. The Senior Renke, however, has never done so and now it is apparent why he did not comply.

5. Exhibit 15 (Amex Assurance Co. check):

See Objection to Exhibit 14.

6. Exhibit 16 (Traveler's Insurance check):

See Objection to Exhibit 14.

7. Exhibit 17 (Insurance Corp. of British Columbia):

See Objection to Exhibit 14.

8. Exhibit 18 (Amex Assurance Company check):

See Objection to Exhibit 14. Exhibit 19 (First Floridian Insurance

Check):

See Objection to Exhibit 14.

9. Exhibit 19 (First Florida Insurance Check):

See Objection to Exhibit 14.

10. Exhibit 21 (Senior Renke's personal checking account statement):

See Objection to Exhibit 14. Also, at the June 9, 2005 hearing the Senior Renke contested producing any bank records as "personal information." Id., p. 31. The Chairman asked him to look at such records in his possession and produce them and the Senior Renke promised to do so. Id., pp. 35-36. Yet this bank statement was not produced and the JQC did not see it until Judge Renke provided it in his exhibit books on August 23, 2005.

11. Exhibit 22 (Composite Exhibit regarding Lichter):

JQC objects to World Savings checks, Federal Home Life Insurance Company check and the handwritten calculations on the same grounds as Exhibit 14, supra.

12. Exhibit 23 (Composite of checks payable to Judge Renke in 2003):

See Objection to Exhibit 14.

13. Exhibit 30 (Massive, undifferentiated composite of draft documents allegedly prepared by Judge Renke):

a. Drafts insufficient unless authenticated by Judge Renke; and

b. Not relevant unless actually used or sent in the litigation.

14. Exhibit 31 (Renke Campaign Flyer):

Not produced in discovery notwithstanding request for its production.

15. Exhibit 33 (Settlement Documents regarding Froyd):

See Objection to Exhibit 14.

16. Exhibit 35 (Judge Renke Candidate Reply in Tampa Tribune):

Object solely on the grounds that it is undated, if version with date of publication is included, no objection.

17. Exhibit 36 (Numerous affidavits combined):¹

a. Linda I. Braithwaite

- (1) Inadmissible if available at trial;
- (2) Hearsay;
- (3) Hearsay within hearsay;
- (4) Michelle Renke available for trial; and
- (5) No relevance or probative value to repeat as hearsay self-serving hearsay statements of Michelle Renke.

b. J. David Haynes:

- (1) Inadmissible if available for trial;
- (2) Hearsay;
- (3) Hearsay within hearsay; and
- (4) Improper speculation and opinion testimony regarding the JQC's motivations and intentions.

c. Christina Mendoza:

- (1) Judge Renke's sister who is available for trial thus affidavit is inadmissible;
- (2) Hearsay;

¹ The JQC has not objected to the affidavits limited to personal experience in Court with Judge Renke and opinion of his character and fitness because the JQC understands that though Judge Renke is limited to 3 live character witnesses there is no such limitation on character and fitness affidavits.

- (3) Hearsay within hearsay;
- (4) Does not disclose that affiant is Judge Renke's sister;
and
- (5) Improper speculation regarding opinions of others and
unfounded conclusory assertions.

d. James Parker:

Mr. Parker will be deposed on August 31, 2005, Judge Renke will withdraw affidavit and offer deposition testimony on showing of his unavailability for final hearing.

18. Exhibit 37 (Composite of Letters to the Edition):

- a. Hearsay;
- b. Hearsay within hearsay;
- c. Not relevant, simply opinions or conclusory assertions with no
factual basis or basis in fact.

19. Exhibit 38 (Declan Mansfield Deposition Transcripts):

Inadmissible since Mr. Mansfield is available for trial and will testify.

20. Exhibit 39 (Declan Mansfield Form 6 Full and public disclosure of
financial interests 2001:

Declan Mansfield's net worth, assets and liabilities as of December
31, 2001 is not relevant to or probative of any of the charges or other matters at
issue in this proceeding.

21. Exhibit 40 (Sixth Judicial Circuit Flyer regarding Teen Court
Program):

The Teen Court Program is not relevant to or probative of any of the charges or other matters at issue in this proceeding.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing Objections to Judge Renke's Exhibit List has been furnished by Facsimile and U.S. Mail to **Scott K. Tozian, Esquire**, Smith & Tozian, P.A., 109 North Brush Street, Suite 200, Tampa, Florida 33602-4163 this 29th day of August, 2005.

Attorney